

**FILED**

JUL 14 2005



UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

\*\*\*\*\*

DAN NELSON AUTOMOTIVE GROUP,  
INC., a South Dakota corporation d/b/a  
JD BYRIDER SALES, DAN NELSON  
FINANCE SUPER CENTER, DAN  
NELSON MAZDA, and DAN NELSON  
SUZUKI; SOUTH DAKOTA  
ACCEPTANCE CORPORATION, a South  
Dakota corporation d/b/a CNAC; DANIEL  
A. NELSON; and CHRISTIAN J.  
TAPKEN,

Plaintiffs,

-vs-

UNIVERSAL UNDERWRITERS GROUP,  
a Kansas corporation; and AMCO  
INSURANCE COMPANY, an Iowa  
corporation,

Defendants.

CIV 05-4044

OPINION AND ORDER

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The parties submitted a Stipulation for and Judgment of Dismissal to the Court. The Judgment was signed on July 10, 2005 and filed with the Clerk on July 11, 2005. The Stipulation signed by all the parties states that the action “may be dismissed as against defendant AMCO Insurance Company, and Iowa corporation, upon its merits, with prejudice, and without cost to any party.” The Judgment, however, states that, “the above-entitled action be and is hereby dismissed upon the merits, with prejudice and without costs to any party.” Plaintiffs’ counsel brought the error to the attention of the Clerk. Court personnel then contacted counsel for Universal Underwriters Group and confirmed that the Judgment was in error. Thus, the language in the Judgment dismissing the entire case is a clerical error, and upon the Court’s own motion under Federal Rule of Civil

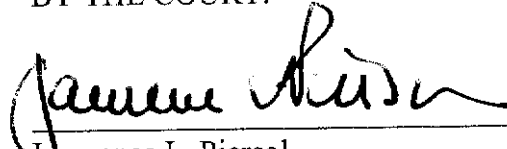
Procedure 60(a), the Court will vacate the Judgment and enter a Judgment dismissing only Defendant AMCO. Accordingly,

IT IS ORDERED:

1. That the Judgment filed on July 11, 2005, Doc. 13, is vacated.
2. That in accordance with the Stipulation filed on July 11, 2005, a Judgment will be entered dismissing this action against Defendant AMCO Insurance Company, an Iowa Corporation, with prejudice and without cost to any party.

Dated this 14<sup>th</sup> day of July, 2005.

BY THE COURT:

  
Lawrence L. Piersol  
Chief Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 

DEPUTY